CONSTITUTIONAL LAW—LIBERTY OF CONTRACT—SALES OF MERCHANDISE IN BULK—NOTICE TO CREDITORS.—SQUIERS v. TELLIER, 69 N. E. 312 (MASS.).—A statute providing that a sale of merchandise in bulk, other than in the ordinary course of business, is void unless seller and purchaser make an inventory and the latter notify creditors of the former of the sale and its condition. *Held,* not unconstitutional as infringing on liberty of contract.

Similar statutes have recently been held constitutional in many of the States. *Wills v. Yates,* 12 S. W. 233; *Neas v. Borches,* 71 S. W. 50; *McDaniels v. Shoe Co.,* 60 L. R. A. 947. While the principle of the police power cannot render good legislation which without reason or justice deprives one of liberty of contract; *Chicago v. Netcher,* 55 N. E. 707; *Young v. Comm.,* 45 S. E. 327, it has nevertheless been extended broadly, *The Slaughterhouse Cases,* 16 Wall. 36, and its limits are hard to define. It is evident that statutes such as the one in question are aimed at a particularly common kind of fraud, and are not arbitrary legislation, certainly not class legislation, *Comm. v. Danyiger,* 176 Mass. 290; and come clearly under the police power as it is now construed. See IX *Virginia Law Register,* 682.

CRIMINAL LAW—NEW TRIAL—NEWLY DISCOVERED EVIDENCE.—STATE v. NELSON, 97 N. W. 652 (MINN.).—*Held,* that new trials should be granted in criminal cases on the ground of newly discovered evidence only where it is reasonably clear that the new evidence would be likely to change the result. Lewis, J., *dissenting.*

Some courts distinguish between civil and criminal cases in regard to granting new trials; though as a general rule the practice is the same in both. *Eldridge v. Minn. & St. Louis R. R. Co.,* 32 Minn. 252; *Grayson v. Commonwealth,* 6 Grat. 712. Though there is much conflict in the cases the principal case seems to be supported by the weight of authority. *Parker v. Hardy,* 24 Pick. 246; *Moore v. State,* 96 Tenn. 209; *Eberhart v. State,* 47 Ga. 598. The rulings in many cases recklessly granting new trials on technicalities, etc., have done much to increase the delay of litigation and to encourage defiant criminality. See the dissenting opinions of *Whitfield, J.,* in *Lipscomb v. State,* 75 Minn. 559, and of *Haight, J., in People v. Koerner,* 154 N. Y. 355. The dissenting judge in the principal case contends that in criminal cases motion for a new trial should not be denied where there is a possibility that the new evidence might affect the verdict. This view is supported by *Green v. State,* 17 Fla. 669; *People v. Williams,* 18 Cal. 187; *Dennis v. State,* 103 Lud. 142.

DEATH—PRESUMPTION—TITLE—SPECIFIC PERFORMANCE.—MCNULTY v. MITCHELL, 84 N. Y. SUPP. 89.—The purchaser of property at a partition sale refused to take title on the ground that there was no evidence of the death of one to whom or to whose issue if living, the entire property would belong. This person forty-three years ago was unmarried and has been unheard of since that time. *Held,* that the purchaser should be compelled to take the title.

The law does not recognize the impossibility of one living in 1034 to be still living in 1827. *Best, Evidence,* Sec. 408; *Duke of Cumberland v. Graves,* 9 Barb. 608. The presumption of death is prima facie merely and should absentee return, the purchaser's title would be defeated. *Young v. Heffner,* 36 Ohio St. 237. In some States a century must elapse before death will be